

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

ROBERT ALEXANDER ALBANO,)	
a/k/a ALEX ALBANO,)	
)	
Plaintiff and)	8:06CV229
Counterclaim Defendant,)	
)	
v.)	
)	
UNITED STATES OF AMERICA,)	ORDER
)	
Defendant and Counter-)	
claim Plaintiff,)	
)	
v.)	
)	
WILLIAM A. ALBANO and WILLIAM A.)	
ALBANO as Personal Representative)	
of the Estate of MARY JO ALBANO,)	
deceased,)	
)	
Additional Counterclaim)	
Defendants.)	
)	

This matter is before the Court on the motion of the United States to exclude the testimony of George Vogel (Filing No. 57). On October 15, 2007, a pretrial conference was held before the Honorable Thomas D. Thalken, United States Magistrate Judge, which reflects that Mr. Vogel was not going to be called as a witness, expert or otherwise. As noted by Judge Thalken, the government's motion is therefore moot. Mr. Vogel will not be permitted to be called as a witness since he has not been listed on the order on final pretrial conference. Accordingly,

IT IS ORDERED that the motion of the United States to exclude the testimony of George Vogel is denied without prejudice.

DATED this 22nd day of October, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court